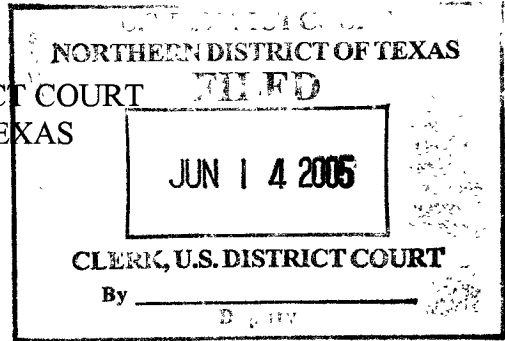


*Ch M a Cray BD*  
**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



ROBERT N. SMITHBACK

Plaintiff,

VS.

STATE OF TEXAS, ET AL.

Defendants.

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NO. 3-05-CV-0578-M

**ORDER**

After making an independent review of the pleadings, files and records in this case, and the findings and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct and are therefore adopted.

Accordingly, plaintiff is permitted to prosecute his claims against Christina Melton Crain and Susie Chiles. All other claims against all other defendants are frivolous and are dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2). The court has filed a Fed. R. Civ. P. 54(b) final judgment today.

The district clerk shall issue summons and the United States Marshal's Service shall serve process on Christina Melton Crain and Susie Chiles.

SO ORDERED.

SIGNED this 14 day of June, 2005.

UNITED STATES DISTRICT JUDGE